

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
AFD 649

First named inventor: Benji Maruyama

Application No.: 10/767,498

Art Unit: 1793

Filed: January 26, 2004

Examiner: Edward W. Johnson

Title: METHOD OF PROCESSING FILAMENTARY NANOCARBON

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
FAX: (571) 273-8300



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1540.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of an Amendment and drawing (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

CHRISTOPHER J. MENKE

Typed or printed name

AFMCLO/JAZ, Bldg 11, Room D18

Address

2240 B Street, WPAFB OH 45433-7109

Address

16 Oct 08

Date

53,316

Registration Number, if applicable

(937) 904-5031

Telephone Number

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal disclaimer form
- ☒ Additional sheet(s) containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (571) 273-8300.

10-16-08

Date


Signature


LYNNITA C. ROBERTSON

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: The following showing of the cause of unintentional delay must be signed by any party who is presenting statements concerning the cause of delay.

16 Oct 08
Date


Signature
CHRISTOPHER J. MENKE
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

This Office Action dated November 29, 2007 was assigned to a patent attorney who in January 2008 was tasked to conduct an organizational restructuring investigation by senior Air Force officers. The attorney and management overlooked the due date of the Office Action. When this office received the Notice of Abandonment, the application was assigned to a new attorney who initiated contact with the inventor to prepare a response to the Office Action. As such, the delay in filing a reply was unintentional.

(Please attach additional sheets if additional space is necessary)